

1 **WO**

2

3

4

5

UNITED STATES DISTRICT COURT

6

DISTRICT OF ARIZONA

7

United States of America,

8

Plaintiff,

MAGISTRATE NO. 08-0283M

9

v.

10

Jorge Francisco Felix-Garcia,

**Order Re: Extending Time to Indict**

11

Defendant.

12

13

14

HAVING considered Defendant Jorge Francisco Felix-Garcia's Motion to  
Extend Time and good cause having been shown;

15

THE COURT makes the following findings:

16

1. Counsel for defendant has only recently been appointed;

17

2. The defendant earnestly wishes to consider the plea offer extended by  
the government;

18

19

3. The defendant wishes to investigate possible defenses prior to  
considering the government's plea offer;

20

21

4. The government's plea offer, if accepted by the defendant and then the  
court, would likely reduce defendant's exposure to a significant term of  
imprisonment;

22

23

5. If the defendant does not timely accept the plea offer prior to indictment,  
the government will withdraw said plea offer and any subsequent plea  
offer after indictment would likely be less advantageous to the  
defendant;

24

25

6. Failure to extend time for indictment in this instance would thus operate  
to bar defendant from reviewing the government's plea offer in a  
meaningful way prior to indictment; and

26

27

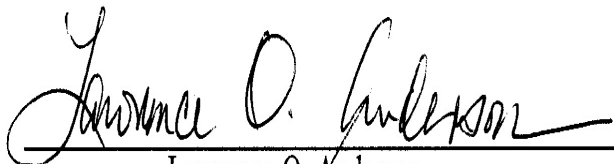
1           7. The ends of justice served by this continuance outweigh the best interest  
2           of the public and the defendant in a speedy indictment.

3           The Court therefore concludes that the ends of justice are best served by granting  
4           an extension of time to present the case to the grand jury and in excluding a period of  
5           thirty (30) days under the Speedy Trial Act. In making this determination, the Court has  
6           particularly taken into account that the failure to grant the Defendant's request "would  
7           deny counsel for the defendant . . . the reasonable time necessary for effective preparation,  
8           taking into account the exercise of due diligence." 18 U.S.C. § 3161(h)(8)(B)(iv).

9  
10           **IT IS HEREBY ORDERED** that defendant's Motion to Extend Time for  
11           Indictment requesting an extension of thirty (30) days within the government may seek to  
12           indict defendant, is hereby granted.

13  
14           **IT IS FURTHER ORDERED** that pursuant to the Speedy Trial Act, 18 U.S.C. §  
15           3161, the Government shall have an extension of thirty (30) days to file a timely  
16           Indictment. Excludable time shall begin to run on the 31st day after arrest for a period of  
17           thirty (30) days in which the Government may present the case to the grand jury.

18  
19           DATED this 29<sup>th</sup> day of July, 2008.

20  
21           

22           Lawrence O. Anderson  
23           United States Magistrate Judge